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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,121	01/19/2001	John Friedenfelds	2925-0474P	8113
30594	7590	04/08/2004	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C.			PEREZ, JULIO R	
P.O. BOX 8910			ART UNIT	PAPER NUMBER
RESTON, VA 20195			2681	9
DATE MAILED: 04/08/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/764,121	FRIEDENFELDS ET AL.
	Examiner	Art Unit
	Julio R Perez	2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 01/06/04.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-11 and 13-25 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-11 and 13-25 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-11, 13-25 have been considered but are moot in view of the new ground(s) of rejection.

Further, the applicant argues that Boltz et al. do not teach call screening a number of calls originating within a predetermined distance of one another are received.

However, the examiner respectfully disagrees. Calls are screened and monitored when made from within a specified emergency area and close to each other; furthermore, a determination is made to decide if another call came from the same predetermined distance (col. 1, lines 53-56; col. 4, lines 21-24; col. 5, lines 22-25; col. 6, lines 12-36).

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-11, 13-18, 22-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Boltz et al. (6233445).

Regarding claim 1, Boltz et al. disclose a method of performing a predetermined action on wireless calls, comprising: receiving a wireless call (Col. 3, lines 21-29, the mobile station transmit an emergency call); determining if the wireless call originates from a defined area or area of the mobile station (col. 5, lines 22-24, in correspondence to the mobile system able to ascertain the approximate geographic location, defined area); and performing a predetermined action on the wireless call if the determining step determines that the wireless call originates from the defined area (col. 3, lines 21-29; col. 5, lines 21-24, screening the calls from an emergency or incident area); and initiating the determining and performing steps after a number of wireless calls originating within a predetermined distance of one another are received (col. 1, lines 53-56; col. 4, 21-24; col. 5, lines 22-25; col. 6, lines 12-36, calls are screened within the

same area where call were made from; calls are monitored and the predetermined calls originated; further determination is made to decide if another call came from the same predetermined distance).

Regarding claim 2, Boltz et al. disclose the method, wherein the predetermined action is screen the wireless call (col. 5, lines 22-25, calls are screened).

Regarding claim 3, Boltz et al. disclose the method further comprising: receiving instructions to initiate screening (col. 5, lines 22-25), said instructions indicating the defined area (col. 21-29 and col. 2, lines 66-67 through col. 3, lines 1-3); and performing the determining and screening steps in response to the received Instructions (col. 5, lines 21-24, because of the screening of emergency call connections, valuable trunk connections are not seized for redundancy).

Regarding claim 4, Boltz et al. disclose the method wherein the receiving a wireless call step receives an emergency call (col. 2, lines 44-53, a call is received over the air by the base transceiver station (BTS, 30) associated with the requesting mobile station,(10)); and the receiving instructions step receives instructions from a Public Safety Answering Point (col. 4, lines 24-28, a call connection with the PSAP (20) over the relevant trunk connection is effectuated).

Regarding claim 5, Boltz et al. disclose a method further comprising: receiving instructions to disable the determining and screening steps (col. 1, lines 56-62, the mobile station may end up the emergency call connection or consider to be transferred to a PSAP).

Regarding claim 6, Boltz et al. disclose a method wherein the instructions further indicate a period of time to perform screening; and the determining and screening steps are performed from the period of time (col. 5, lines 26-29, a message may be generated for a predetermined amount of time or until the PSAP instructs differently).

Regarding claim 7, Boltz et al. disclose the method wherein the screening step comprises: connecting the wireless call with an audio message (col. 5, lines 8-12, if the call is an emergency call coming the same incident location, module (230) instructs its associated announcement machine 250 to play an appropriate message).

Regarding claim 8, Boltz et al. disclose the method wherein the screening step further comprises: connecting the wireless call to a predetermined destination after a predetermined period of time elapses from completion of the audio message (col. 5, lines 12-24, the mobile station may choose to listen to the recorded message or terminate the call or be connected to the next available operator).

Regarding claim 9, Boltz et al. further disclose comprising: receiving second instructions with a new defined area (incident area) to use in the screening step (col. 5, lines 1-8, the serving MSC/VLR (40/35) initially determines whether the second call is coming from approximately the same incident area).

Regarding claim 10, Boltz et al. disclose the method wherein the screening step comprises: connecting the wireless call with an audio message (col. 4, lines 39-44).

Regarding claim 11, Boltz et al. disclose the method wherein the screening step further comprises: connecting the wireless call to a predetermined destination (the PSAP) after a predetermined period of time elapses from completion of the audio message (col. 4, lines 44-51).

Regarding claim 13, Boltz et al. disclose the method wherein the initiating step initiates the determining and screening steps when the number of wireless calls located within the predetermined distance of one another are received within a predetermined period of time (announcement messages or unstructured data transmission are communicated only after a threshold number of emergency call connections are received from the same incident location;).

Regarding claim 14, Boltz et al. disclose the method wherein the period of time varies depending on a location of origination for the number of wireless calls (col. 5, lines 26-29).

Regarding claim 15, Boltz et al. disclose the method wherein the number of wireless calls varies depending on a location of origination for the number of calls (col. 4, lines 21-24, other calls may be originated from the emergency location towards the PSAP (20)).

Regarding claim 16, Boltz et al. disclose the method wherein the predetermined distance varies depending on a location of origination for the number of wireless calls (col. 5, lines 18-22).

Regarding claim 17, Boltz et al. disclose the method wherein the screening step comprises: connecting the wireless call with an audio message

(col. 4, lines 35-46, such message informs the subscriber that an incident from the approximately the same location has been reported).

Regarding claim 18, Boltz et al. disclose the method wherein the receiving a wireless call step receives an emergency call (col. 1, lines 49-51; col. 63-66, an emergency call is received by a mobile switching center (MSC) serving a particular mobile station).

Regarding claim 22, Boltz et al. disclose a method of screening emergency wireless calls, comprising: receiving instructions from a Public Safety Answering Point (PSAP) operator to initiate screening of wireless calls in a defined area (col. 4, lines 16-20, it is inherent as evidenced by the fact that one of ordinary skill in the art would have recognized that the operator can manage the control of screening the calls); receiving an emergency wireless call (col. 1, lines 63-66; col. 3, lines 21-29, calls are screened); determining if the emergency wireless call originates from the defined area (col. 5, lines 22-24, calls are placed from defined emergency areas); and screening the emergency wireless call if the determining step determines that the emergency wireless call originates from the defined area (col. 4, lines 16 –20, 46-51, 64-67; col. 5, lines 1-8 and 12-18, calls are screened when place from emergency areas).

Regarding claim 23, Boltz et al. disclose the method, wherein the instructions from the PSAP operator specify the defined area (col. 4, lines 11-39, it is inherent as evidenced by the fact that one of ordinary skill in the art would have recognized that the operator can instruct the PSAP for specifying the emergency area).

Regarding claim 24, Boltz et al. disclose the method, wherein the screening step comprises: connecting the emergency wireless call with an audio message (col. 5, lines 8-12, the call can be forwarded to announcement machine).

Regarding claim 25, the method, wherein the instructions from the PSAP operator specify at least a portion of the audio message (col. 4, lines 64-67).

4. Claims 19-21 are rejected under 35 U.S.C. 102 (b) as being anticipated by applicant's submission of prior art Valentine (5815808).

Regarding claim 19, Valentine discloses a method of performing a predetermined action on wireless calls, comprising: receiving a wireless call (col. 2, lines 61-65, calls are executed by the mobile subscriber); determining whether the received wireless call falls within a class of wireless calls, the class of wireless calls being one of location incentive offers, wireless based games, and wireless location based advertisements (col. 3, lines 2-20); and performing a predetermined action on the received wireless call when the determining step determines that the received wireless call falls within the class of wireless calls. (col. 3, lines 2-20, calls are based on the location of the mobile and service that should be granted thereafter); and performing a predetermined action (screening) on the received wireless call when the determining step determines that the received wireless call falls within the class of wireless calls (col. 3, lines 2-20, calls are screened based on the service to be granted).

Regarding claim 20, Valentine discloses the method further comprising: establishing the class of wireless calls (col. 5, lines 35-40, calls are screened and the mobile is able to establish communication).

Regarding claim 21, Valentine discloses the method of wherein the predetermined action is screening the received wireless call (col. 2, lines 66-67; col. 3, lines 1-6, calls are screened).

***Conclusion***

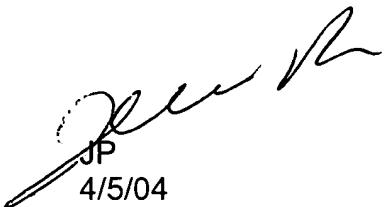
5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio R Perez whose telephone number is (703) 305-8637. The examiner can normally be reached on Monday - Friday, 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Erika Gary can be reached on (703) 308-0123. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JP  
4/5/04



ERIKA GARY  
PATENT EXAMINER